

CORRESPONDENCE BETWEEN THE COMMISSIONERS OF
SOUTH CAROLINA AND THE PRESIDENT OF THE
UNITED STATES.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Copies of correspondence with the commissioners of South Carolina.

JANUARY 9, 1861.—Read and referred, with instructions, to a select committee of five, and
ordered to be printed.

To the Senate and House of Representatives :

At the opening of your present session I called your attention to the dangers which threatened the existence of the Union. I expressed my opinion freely concerning the original causes of these dangers, and recommended such measures as I believed would have the effect of tranquillizing the country and saving it from the peril in which it had been needlessly and most unfortunately involved. Those opinions and recommendations I do not propose now to repeat. My own convictions upon the whole subject remain unchanged.

The fact that a great calamity was impending over the nation was even at that time acknowledged by every intelligent citizen. It had already made itself felt throughout the length and breadth of the land. The necessary consequences of the alarm thus produced were most deplorable. The imports fell off with a rapidity never known before, except in time of war, in the history of our foreign commerce; the treasury was unexpectedly left without the means which it had reasonably counted upon to meet the public engagements; trade was paralyzed; manufactures were stopped; the best public securities suddenly sunk in the market; every species of property depreciated more or less; and thousands of poor men, who depended upon their daily labor for their daily bread, were turned out of employment.

I deeply regret that I am not able to give you any information upon the state of the Union which is more satisfactory than what I was then obliged to communicate. On the contrary, matters are still worse at present than they then were. When Congress met, a strong

hope pervaded the whole public mind that some amicable adjustment of the subject would speedily be made by the representatives of the States and of the people, which might restore peace between the conflicting sections of the country. That hope has been diminished by every hour of delay; and as the prospect of a bloodless settlement fades away, the public distress becomes more and more aggravated. As evidence of this it is only necessary to say that the treasury notes authorized by the act of 17th December last were advertised, according to the law, and that no responsible bidder offered to take any considerable sum at par at a lower rate of interest than twelve per cent. From these facts it appears that, in a government organized like ours, domestic strife, or even a well-grounded fear of civil hostilities, is more destructive to our public and private interests than the most formidable foreign war.

In my annual message I expressed the conviction, which I have long deliberately held, and which recent reflection has only tended to deepen and confirm, that no State has a right by its own act to secede from the Union, or throw off its federal obligations at pleasure. I also declared my opinion to be that, even if that right existed and should be exercised by any State of the confederacy, the executive department of this government had no authority under the Constitution to recognize its validity by acknowledging the independence of such State. This left me no alternative, as the chief executive officer under the Constitution of the United States, but to collect the public revenues and to protect the public property so far as this might be practicable under existing laws. This is still my purpose. My province is to execute, and not to make, the laws. It belongs to Congress, exclusively, to repeal, to modify, or to enlarge their provisions, to meet exigencies as they may occur. I possess no dispensing power.

I certainly had no right to make aggressive war upon any State, and I am perfectly satisfied that the Constitution has wisely withheld that power even from Congress. But the right and the duty to use military force defensively against those who resist the federal officers in the execution of their legal functions, and against those who assail the property of the federal government, is clear and undeniable.

But the dangerous and hostile attitude of the States towards each other has already far transcended and cast in the shade the ordinary executive duties already provided for by law, and has assumed such vast and alarming proportions as to place the subject entirely above and beyond executive control. The fact cannot be disguised that we are in the midst of a great revolution. In all its various bearings, therefore, I commend the question to Congress, as the only human tribunal, under Providence, possessing the power to meet the existing emergency. To them, exclusively, belongs the power to declare war, or to authorize the employment of military force in all cases contemplated by the Constitution; and they alone possess the power to remove grievances which might lead to war, and to secure peace and union to this distracted country. On them, and on them alone, rests the responsibility.

The Union is a sacred trust left by our revolutionary fathers to their descendants; and never did any other people inherit so rich a legacy.

It has rendered us prosperous in peace and triumphant in war. The national flag has floated in glory over every sea. Under its shadow American citizens have found protection and respect in all lands beneath the sun. If we descend to considerations of purely material interest, when, in the history of all time, has a confederacy been bound together by such strong ties of mutual interest? Each portion of it is dependent on all, and all upon each portion, for prosperity and domestic security. Free trade throughout the whole supplies the wants of one portion from the productions of another, and scatters wealth everywhere. The great planting and farming States require the aid of the commercial and navigating States to send their productions to domestic and foreign markets, and to furnish the naval power to render their transportation secure against all hostile attacks.

Should the Union perish in the midst of the present excitement we have already had a sad foretaste of the universal suffering which would result from its destruction. The calamity would be severe in every portion of the Union, and would be quite as great, to say the least, in the southern as in the northern States. The greatest aggravation of the evil, and that which would place us in the most unfavorable light both before the world and posterity is, as I am firmly convinced, that the secession movement has been chiefly based upon a misapprehension at the south of the sentiments of the majority in several of the northern States. Let the question be transferred from political assemblies to the ballot-box, and the people themselves would speedily redress the serious grievances which the south have suffered. But, in Heaven's name, let the trial be made before we plunge into armed conflict upon the mere assumption that there is no other alternative. Time is a great conservative power. Let us pause at this momentous point and afford the people, both north and south, an opportunity for reflection. Would that South Carolina had been convinced of this truth before her precipitate action! I, therefore, appeal through you to the people of the country to declare in their might that the Union must and shall be preserved by all constitutional means. I most earnestly recommend that you devote yourselves, exclusively, to the question how this can be accomplished in peace. All other questions, when compared with this, sink into insignificance. The present is no time for palliations; action, prompt action, is required. A delay in Congress to prescribe or to recommend a distinct and practical proposition for conciliation may drive us to a point from which it will be almost impossible to recede.

A common ground on which conciliation and harmony can be produced is surely not unattainable. The proposition to compromise by letting the north have exclusive control of the territory above a certain line, and to give southern institutions protection below that line, ought to receive universal approbation. In itself, indeed, it may not be entirely satisfactory; but when the alternative is between a reasonable concession on both sides and a destruction of the Union, it is an imputation upon the patriotism of Congress to assert that its members will hesitate for a moment.

Even now the danger is upon us. In several of the States which have not yet seceded the forts, arsenals and magazines of the United

States have been seized. This is by far the most serious step which has been taken since the commencement of the troubles. This public property has long been left without garrisons and troops for its protection, because no person doubted its security under the flag of the country in any State of the Union. Besides, our small army has scarcely been sufficient to guard our remote frontiers against Indian incursions. The seizure of this property, from all appearances, has been purely aggressive, and not in resistance to any attempt to coerce a State or States to remain in the Union.

At the beginning of these unhappy troubles I determined that no act of mine should increase the excitement in either section of the country. If the political conflict were to end in a civil war, it was my determined purpose not to commence it, nor even to furnish an excuse for it by any act of this government. My opinion remains unchanged, that justice as well as sound policy requires us still to seek a peaceful solution of the questions at issue between the north and the south. Entertaining this conviction, I refrained even from sending reinforcements to Major Anderson, who commanded the forts in Charleston harbor, until an absolute necessity for doing so should make itself apparent, lest it might unjustly be regarded as a menace of military coercion, and thus furnish, if not a provocation, at least a pretext for an outbreak on the part of South Carolina. No necessity for these reinforcements seemed to exist. I was assured by distinguished and upright gentlemen of South Carolina that no attack upon Major Anderson was intended, but that, on the contrary, it was the desire of the State authorities, as much as it was my own, to avoid the fatal consequences which must eventually follow a military collision.

And here I deem it proper to submit, for your information, copies of a communication dated December 28, 1860, addressed to me by R. W. Barnwell, J. H. Adams, and James L. Orr, "Commissioners" from South Carolina, with the accompanying documents, and copies of my answer thereto, dated December 31.

In further explanation of Major Anderson's removal from Fort Moultrie to Fort Sumter, it is proper to state that, after my answer to the South Carolina "Commissioners," the War Department received a letter from that gallant officer, dated December 27, 1860, the day after this movement, from which the following is an extract:

"I will add, as my opinion, that many things convinced me that the authorities of the State designed to proceed to a hostile act,"

Evidently referring to the orders, dated December 11, of the late Secretary of War.

"Under this impression, I could not hesitate that it was my solemn duty to move my command from a fort which we could not probably have held longer than forty-eight or sixty hours to this one, where my power of resistance is increased to a very great degree."

It will be recollected that the concluding part of these orders was in the following terms:

"The smallness of your force will not permit you, perhaps, to occupy more than one of the three forts; but an attack on, or attempt to take possession of either one of them, will be regarded as an act of hostility, and you may then put your command into either of them

which you may deem most proper to increase its power of resistance. You are also authorized to take similar defensive steps whenever you have tangible evidence of a design to proceed to a hostile act."

It is said that serious apprehensions are, to some extent, entertained, in which I do not share, that the peace of this District may be disturbed before the 4th of March next. In any event, it will be my duty to preserve it, and this duty shall be performed.

In conclusion, it may be permitted to me to remark that I have often warned my countrymen of the dangers which now surround us. This may be the last time I shall refer to the subject officially. I feel that my duty has been faithfully, though it may be imperfectly, performed; and whatever the result may be, I shall carry to my grave the consciousness that I at least meant well for my country.

JAMES BUCHANAN.

WASHINGTON CITY, *January 8, 1861.*

WASHINGTON, *December 28, 1860.*

SIR: We have the honor to transmit to you a copy of the full powers from the convention of the people of South Carolina under which we are "authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, light-houses, and other real estate, with their appurtenances, within the limits of South Carolina; and also for an apportionment of the public debt, and a division of all other property held by the government of the United States, as agent of the confederated States of which South Carolina was recently a member; and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relations of the parties, and for the continuance of peace and amity between this commonwealth and the government at Washington."

In the execution of this trust it is our duty to furnish you, as we now do, with an official copy of the ordinance of secession, by which the State of South Carolina has resumed the powers she delegated to the government of the United States, and has declared her perfect sovereignty and independence.

It would also have been our duty to have informed you that we were ready to negotiate with you upon all such questions as are necessarily raised by the adoption of this ordinance; and that we were prepared to enter upon this negotiation with the earnest desire to avoid all unnecessary and hostile collision, and so to inaugurate our new relations as to secure mutual respect, general advantage, and a future of good will and harmony, beneficial to all the parties concerned.

But the events of the last twenty-four hours render such an assurance impossible. We came here the representatives of an authority which could at any time within the past sixty days have taken possession of the forts in Charleston harbor, but which, upon pledges given in a manner that we cannot doubt, determined to trust to your honor rather than to its own power. Since our arrival an officer of

the United States, acting, as we are assured, not only without but against your orders, has dismantled one fort and occupied another, thus altering to a most important extent the condition of affairs under which we came.

Until those circumstances are explained in a manner which relieves us of all doubt as to the spirit in which these negotiations shall be conducted, we are forced to suspend all discussion as to any arrangements by which our mutual interests might be amicably adjusted.

And, in conclusion, we would urge upon you the immediate withdrawal of the troops from the harbor of Charleston. Under present circumstances they are a standing menace which renders negotiation impossible, and, as our recent experience shows, threatens speedily to bring to a bloody issue questions which ought to be settled with temperance and judgment.

We have the honor to be, sir, very respectfully, your obedient servants,

R. W. BARNWELL,	} <i>Commissioners.</i>
J. H. ADAMS,	
JAMES L. ORR,	

The PRESIDENT of the *United States.*

The State of South Carolina.

At a convention of the people of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments to the 20th of December in the same year:

An ordinance to dissolve the union between the State of South Carolina and other States united with her, under the compact entitled "The Constitution of the United States of America."—We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained: That the ordinance adopted by us in convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the general assembly of this State ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved.

Done at Charleston the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON,
*Delegate from Barnwell and President of the
Convention, and others.*

Attest:

BENJAMIN F. ARTHUR,
Clerk of the Convention.

OFFICE OF SECRETARY OF STATE,
Charleston, S. C., December 22, 1860.

I do hereby certify that the foregoing ordinance is a true and correct copy, taken from the original on file in this office.

Witness my hand and the seal of the State.

[L. s.]

ISAAC H. MEANS,
Secretary of State.

The State of South Carolina, by the convention of the people of the said State.

Whereas the convention of the people of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, did, by resolution, order: "That three commissioners, to be elected by ballot of the convention, be directed forthwith to proceed to Washington, authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, light-houses, and other real estate, with their appurtenances, within the limits of South Carolina; and also for an apportionment of the public debt, and for a division of all other property held by the government of the United States, as agent of the confederated States of which South Carolina was recently a member; and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relation of the parties, and for the continuance of peace and amity between this commonwealth and the government at Washington."

And whereas the said convention did, by ballot, elect you to the said office of commissioners to the government at Washington: Now, be it known that the said convention, by these presents, doth commission you, Robert W. Barnwell, James H. Adams, and James L. Orr, as commissioners to the government at Washington, to have, to hold, and to exercise the said office, with all the powers, rights, and privileges conferred upon the same by the terms of the resolution herein cited.

[L. s.] Given under the seal of the State at Charleston, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON, *President.*

ISAAC H. MEANS, *Secretary of State.*

ROBERT W. BARNWELL, JAMES H. ADAMS, and JAMES L. ORR.

Attest:

B. F. ARTHUR,
Clerk of the Committee.

WASHINGTON CITY, *December 31, 1860.*

GENTLEMEN: I have had the honor to receive your communication of the 28th instant, together with a copy of your "full powers from the convention of the people of South Carolina," authorizing you to treat with the government of the United States on various important subjects therein mentioned, and also a copy of the ordinance, bearing date on the 20th instant, declaring that "the union now subsisting between South Carolina and other States, under the name of 'the United States of America,' is hereby dissolved."

In answer to this communication I have to say that my position as President of the United States was clearly defined in the message to Congress on the 3d instant. In that I stated that "apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act of usurpation. It is therefore my duty to submit to Congress the whole question in all its bearings."

Such is still my opinion, and I could therefore meet you only as private gentlemen of the highest character, and I was quite willing to communicate to Congress any proposition you might have to make to that body upon the subject. Of this you were well aware.

It was my earnest desire that such a disposition might be made of the whole subject by Congress, who alone possess the power as to prevent the inauguration of a civil war between the parties in regard to the possession of the federal forts in the harbor of Charleston; and I therefore deeply regret that, in your opinion, "the events of the last twenty-four hours renders this impossible." In conclusion you urge upon me "the immediate withdrawal of the troops from the harbor of Charleston," stating that, "under present circumstances, they are a standing menace which renders negotiation impossible, and, as our recent experience shows, threatens speedily to bring to a bloody issue questions which ought to be settled with temperance and judgment."

The reason for this change in your position is that, since your arrival in Washington, "an officer of the United States, acting, as we (you) are assured, not only without but against your (my) orders, has dismantled one fort and occupied another, thus altering to a most important extent the condition of affairs under which we (you) came." You also allege that you came here "the representatives of an authority which could at any time within the past sixty days have taken possession of the forts in Charleston harbor, but which, upon pledges given in a manner that we (you) cannot doubt, determined to trust to your (my) honor rather than to its own power."

This brings me to a consideration of the nature of those alleged

pledges, and in what manner they have been observed. In my message of the 3d of December instant I stated, in regard to the property of the United States in South Carolina, that it "has been purchased for a fair equivalent 'by the consent of the legislature of the State for the erection of forts, magazines, arsenals,' &c., and over these the authority 'to exercise exclusive legislation' has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In such a contingency the responsibility for consequences would rightfully rest upon the heads of the assailants."

This being the condition of the parties on Saturday, December 8, four of the representatives from South Carolina called upon me and requested an interview. We had an earnest conversation on the subject of these forts and the best means of preventing a collision between the parties, for the purpose of sparing the effusion of blood. I suggested, for prudential reasons, that it would be best to put in writing what they said to me verbally. They did so accordingly, and on Monday morning, the 10th instant, three of them presented to me a paper signed by all the representatives of South Carolina, with a single exception, of which the following is a copy :

WASHINGTON, *December 9, 1860.*

In compliance with our statement to you yesterday, we now express to you our strong convictions that neither the constituted authorities nor any body of the people of the State of South Carolina will either attack or molest the United States forts in the harbor of Charleston previously to the action of the convention, and we hope and believe not until an offer has been made through an accredited representative to negotiate for an amicable arrangement of all matters between the State and the federal government, provided that no reinforcements shall be sent into those forts, and their relative military status shall remain as at present.

JOHN McQUEEN.
WM. PORCHER MILES.
M. L. BONHAM.
W. W. BOYCE.
LAWRENCE M. KEITT.

His Excellency JAMES BUCHANAN,
President of the United States.

And here I must, in justice to myself, remark that at the time the paper was presented to me I objected to the word "provided," as it might be construed into an agreement on my part which I never would make. They said that nothing was further from their intention; they did not so understand it, and I should not so consider it. It is evident they could enter into no reciprocal agreement with me on the subject.

They did not profess to have authority to do this, and were acting

in their individual character. I considered it as nothing more in effect than the promise of highly honorable gentlemen to exert their influence for the purpose expressed. The event has proven that they have faithfully kept this promise, although I have never since received a line from any one of them or from the convention on the subject. It is well known that it was my determination, and this I freely expressed, not to reinforce the forts in the harbor, and thus produce a collision, until they had been actually attacked, or until I had certain evidence that they were about to be attacked. This paper I received most cordially, and considered it as a happy omen that peace might be still preserved, and that time might thus be gained for reflection. This is the whole foundation for the alleged pledge.

But I acted in the same manner as I would have done had I entered into a positive and formal agreement with parties capable of contracting, although such an agreement would have been on my part, from the nature of my official duties, impossible. The world knows that I have never sent any reinforcements to the forts in Charleston harbor, and I have certainly never authorized any change to be made "in their relative military status." Bearing upon this subject, I refer you to an order issued by the Secretary of War, on the 11th instant, to Major Anderson, but not brought to my notice until the 21st instant. It is as follows :

Memorandum of verbal instructions to Major Anderson, 1st artillery, commanding Fort Moultrie, South Carolina.

You are aware of the great anxiety of the Secretary of War that a collision of the troops with the people of this State shall be avoided, and of his studied determination to pursue a course with reference to the military force and forts in this harbor, which shall guard against such a collision. He has, therefore, carefully abstained from increasing the force at this point, or taking any measures which might add to the present excited state of the public mind, or which would throw any doubt on the confidence he feels that South Carolina will not attempt by violence to obtain possession of the public works or interfere with their occupancy. But as the counsel and acts of rash and impulsive persons may possibly disappoint these expectations of the government, he deems it proper that you shall be prepared with instructions to meet so unhappy a contingency. He has, therefore, directed me verbally to give you such instructions.

You are carefully to avoid every act which would needlessly tend to provoke aggression, and for that reason you are not, without evident and imminent necessity, to take up any position which could be construed into the assumption of a hostile attitude ; but you are to hold possession of the forts in this harbor, and if attacked you are to defend yourself to the last extremity. The smallness of your force will not permit you, perhaps, to occupy more than one of the three forts, but an attack on or attempt to take possession of either one of them will be regarded as an act of hostility, and you may then put your command into either of them which you may deem most proper

to increase its power of resistance. You are also authorized to take similar defensive steps whenever you have tangible evidence of a design to proceed to a hostile act.

D. C. BUELL,
Assistant Adjutant General.

FORT MOULTRIE, S. C.,
December 11, 1860.

This is in conformity to my instructions to Major Buell.

JOHN B. FLOYD,
Secretary of War.

These were the last instructions transmitted to Major Anderson before his removal to Fort Sumter, with a single exception in regard to a particular which does not in any degree affect the present question. Under these circumstances, it is clear that Major Anderson acted upon his own responsibility and without authority, unless, indeed, he had "tangible evidence of a design to proceed to a hostile act" on the part of the authorities of South Carolina, which has not yet been alleged. Still he is a brave and honorable officer, and justice requires that he should not be condemned without a fair hearing.

Be this as it may, when I learned that Major Anderson had left Fort Moultrie and proceeded to Fort Sumter, my first promptings were to command him to return to his former position and there await the contingencies presented in his instructions. This could only have been done with any degree of safety to the command by the concurrence of the South Carolina authorities. But before any steps could possibly have been taken in this direction we received information, dated on the 28th instant, that the "palmetto flag floated out to the breeze at Castle Pinckney, and a large military force went over last night (the 27th) to Fort Moultrie." Thus the authorities of South Carolina, without waiting or asking for any explanation, and doubtless believing, as you have expressed it, that the officer had acted not only without but against my orders, on the very next day after the night when the movement was made, seized by a military force two of the three federal forts in the harbor of Charleston, and have covered them under their own flag instead of that of the United States. At this gloomy period of our history startling events succeed each other rapidly. On the very day, the 27th instant, that possession of these two forts was taken the palmetto flag was raised over the federal custom-house and post office in Charleston; and on the same day every officer of the customs—collector, naval officer, surveyor, and appraisers—resigned their offices. And this although it was well known from the language of my message that, as an executive officer, I felt myself bound to collect the revenue at the port of Charleston under the existing laws.

In the harbor of Charleston we now find three forts confronting each other, over all of which the federal flag floated only four days ago; but now over two of them this flag has been supplanted, and the palmetto flag has been substituted in its stead. It is under all these circumstances that I am urged immediately to withdraw the

troops from the harbor of Charleston, and am informed that without this negotiation is impossible. This I cannot do; this I will not do. Such an idea was never thought of by me in any possible contingency. No allusion had ever been made to it in any communication between myself and any human being. But the inference is that I am bound to withdraw the troops from the only fort remaining in the possession of the United States in the harbor of Charleston, because the officer there in command of all the forts thought proper, without instructions, to change his position from one of them to another. I cannot admit the justice of any such inference. And at this point of writing I have received information by telegraph from Captain Humphreys, in command of the arsenal at Charleston, that it "has to-day (Sunday, the 30th,) been taken by force of arms." Comment is needless. It is estimated that the property of the United States in this arsenal was worth half a million of dollars.

After this information I have only to add that, whilst it is my duty to defend Fort Sumter, as a portion of the public property of the United States, against hostile attacks, from whatever quarter they may come, by such means as I may possess for this purpose, I do not perceive how such a defence can be construed into a menace against the city of Charleston.

With great personal regard, I remain, yours, very respectfully,
JAMES BUCHANAN.

HONS. ROBERT W. BARNWELL, JAMES H. ADAMS, JAMES L. ORR.